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RESOLUTION NO. 09-139

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON 19TH STREET NORTH FROM CHATEAU PARKWAY TO OAK CREEK PARKWAY AND ON CHATEAU PARKWAY FROM 19TH STREET NORTH TO A POINT 80 FEET SOUTH OF LOT 4, BLOCK 2, OAK CREEK ADDITION (SOUTH OF 21ST, WEST OF GREENWICH) 472-84449 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON 19TH STREET NORTH FROM CHATEAU PARKWAY TO OAK CREEK PARKWAY AND ON CHATEAU PARKWAY FROM 19TH STREET NORTH TO A POINT 80 FEET SOUTH OF LOT 4, BLOCK 2, OAK CREEK ADDITION (SOUTH OF 21ST, WEST OF GREENWICH) 472-84449 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 06-501 adopted on September 26, 2006 and Resolution No. 06-650 adopted on November 28, 2006 are hereby rescinded.

SECTION 2. That it is necessary and in the public interest to authorize construction of pavement on 19th Street North from Chateau Parkway to Oak Creek Parkway and on Chateau Parkway from 19th Street North to a point 80 feet south of Lot 4, Block 2, Oak Creek Addition (south of 21st, west of Greenwich) 472-84449.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to Nine Hundred Thirty-Eight Thousand Dollars (\$938,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after May 1, 2009 exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

OAK CREEK 2ND ADDITION

Lots 3 thru 7, Block 1
Lots 1 thru 11, Block 2
Lots 2 thru 4, Block 3
Lot 1, Block 4

OAK CREEK 3RD ADDITION

Lots 1, 5, 7, 8, 9, 10, 12 and 13 thru 27, Block 1

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lot 3, Block 1, OAK CREEK 2ND ADDITION shall pay 36,536/938,000 of the total cost of the improvement; Lot 4, Block 1, OAK CREEK 2ND ADDITION shall pay 52,014/938,000 of the total cost of the improvement; Lot 5, Block 1, OAK CREEK 2ND ADDITION shall pay 25,569/938,000 of the total cost of the improvement; Lot 6, Block 1, OAK CREEK 2ND ADDITION shall pay 21,938/938,000 of the total cost of the improvement; Lot 7, Block 1, OAK CREEK 2ND ADDITION shall pay 130,388/938,000 of the total cost of the improvement; Lot 1, Block 2, OAK CREEK 2ND ADDITION shall pay 3,119/938,000 of the total cost of the improvement; Lot 2, Block 2, OAK CREEK 2ND ADDITION shall pay 3,119/938,000 of the total cost of the improvement; Lot 3, Block 2, OAK CREEK 2ND ADDITION shall pay 3,119/938,000 of the total cost of the improvement; Lot 4, Block 2, OAK CREEK 2ND ADDITION shall pay 3,379/938,000 of the total cost of the improvement; Lot 5, Block 2, OAK CREEK 2ND ADDITION shall pay 3,379/938,000 of the total cost of the improvement; Lot 6, Block 2, OAK CREEK 2ND ADDITION shall pay 25,838/938,000 of the total cost of the improvement; Lot 7, Block 2, OAK CREEK 2ND ADDITION shall pay 25,838/938,000 of the total cost of the improvement; Lot 8, Block 2, OAK CREEK 2ND ADDITION shall pay 25,838/938,000 of the total cost of the improvement; Lot 9, Block 2, OAK CREEK 2ND ADDITION shall pay 25,838/938,000 of the total cost of the improvement; Lot 10, Block 2, OAK CREEK 2ND ADDITION shall pay 25,838/938,000 of the total cost of the improvement; Lot 11, Block 2, OAK CREEK 2ND ADDITION shall pay 23,142/938,000 of the total cost of the improvement; Lot 2, Block 3, OAK CREEK 2ND ADDITION shall pay 25,722/938,000 of the total cost of the improvement; Lot 3, Block 3, OAK CREEK 2ND ADDITION shall pay 25,722/938,000 of the total cost of the improvement; Lot 4, Block 3, OAK CREEK 2ND ADDITION shall pay 20,206/938,000 of the total cost of the improvement; Lot 1, Block 4, OAK CREEK 2ND ADDITION shall pay 58,526/938,000 of the total cost of the improvement; Lot 1, Block 1, OAK CREEK 3RD ADDITION shall pay 2,079/938,000 of the total cost of the improvement; Lot 5, Block 1, OAK CREEK 3RD ADDITION shall pay 15,603/938,000 of the total cost of the improvement; Lot 7, Block 1, OAK CREEK 3RD ADDITION shall pay 21,019/938,000 of the total cost of the improvement; Lot 8, Block 1, OAK CREEK 3RD ADDITION shall pay 21,019/938,000 of the total cost of the improvement; Lot 9, Block 1, OAK CREEK 3RD ADDITION shall pay 2,079/938,000 of the total cost of the improvement; Lot 10, Block 1, OAK CREEK 3RD ADDITION shall pay 2,079/938,000 of the total cost of the improvement; Lot 12, Block 1, OAK CREEK 3RD ADDITION shall pay 2,079/938,000 of the total cost of the improvement; Lots 13 thru 27, BLOCK 1, OAK CREEK 3RD ADDITION shall each pay 20,465/938,000 of the total cost of the improvement.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 12th day of May, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)